

APPEAL NO. 041857  
FILED SEPTEMBER 20, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on July 7, 2004. The hearing officer determined that the date the respondent (claimant) knew or should have known that her occupational disease may be related to her employment is \_\_\_\_\_; that the claimant sustained a compensable injury in the form of an occupational disease on \_\_\_\_\_; that the claimant timely notified her employer not later than the 30th day after the date on which the employee knew or should have known that the injury may be related to her employment; and that the claimant had disability from January 30, 2004, through the date of the CCH. The appellant (self-insured) appealed the hearing officer's determinations based on sufficiency of the evidence grounds. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant had the burden to prove the date of injury pursuant to Section 408.007; that she sustained a compensable injury in the form of an occupational disease as defined in Section 401.011(34); that she gave timely notice of injury to the employer pursuant to Section 409.001; and that she has had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and that they are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert W. Potts  
Appeals Judge